

Senate Bill No. 1327

Passed the Senate April 20, 2006

Secretary of the Senate

Passed the Assembly June 26, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 48203 of the Education Code, relating to school attendance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1327, Soto. Compulsory education law: individuals with exceptional needs: discipline.

Existing law provides that each person between the ages of 6 and 18 years not exempted, as specified, is subject to compulsory full-time education. Existing law requires the administration of each private school and public school district of any county, upon the severance of attendance or the denial of admission of any child who is physically handicapped, mentally retarded, or multiple handicapped, but is otherwise subject to compulsory education, to report the severance, expulsion, exclusion, exemption, transfer, or suspension beyond 10 schooldays to the county superintendent of schools in the jurisdiction.

Existing federal law, the federal Individuals with Disabilities Education Act (IDEA), requires that each state provide a free appropriate public education to all children with disabilities ages 3 to 21, inclusive, who reside in the state, including children with disabilities who have been suspended or expelled from school. Existing law defines the term individual with exceptional needs as a person who, among other things, is a child with a disability, as that term is defined in IDEA.

Existing law, the federal Rehabilitation Act of 1973 and regulations promulgated by the United States Department of Education pursuant to that act, requires that each state provide a free appropriate public education to all qualified handicapped persons who reside in the state.

This bill would instead make the reporting requirement regarding a severance of attendance or denial of admission applicable to any child who is an individual with exceptional needs or a qualified handicapped person, as defined.

The people of the State of California do enact as follows:

SECTION 1. Section 48203 of the Education Code is amended to read:

48203. (a) The superintendent of a school district and the principal of a private school in each county shall, upon the severance of attendance or the denial of admission of any child who is an individual with exceptional needs, as that term is defined in Section 56026, or who is a qualified handicapped person, as that term is defined in regulations promulgated by the United States Department of Education pursuant to Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), but who is otherwise subject to the compulsory education laws of California, report the severance, expulsion, exclusion, exemption, transfer, or suspension beyond 10 schooldays to the county superintendent of schools. The report shall include names, ages, last known address, and the reason for the severance, expulsion, exclusion, exemption, transfer, or suspension.

(b) It is the duty of the county superintendent to examine those reports and draw to the attention of the county board of education and governing board of a school district any cases in which the interests of the child or the welfare of the state may need further examination.

(c) After a preliminary study of available information in cases referred to it, the county board of education may, on its own action, hold hearings on those cases in the manner provided in Section 48914 and with the same powers of final decision as therein provided.

Approved _____, 2006

Governor